

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
WALTER J. ROACHE,**

Plaintiff,

**9:18-cv-825
(GLS/ATB)**

v.

BRIAN FISHER et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Walter J. Roache
Pro Se
CNY PC
PO Box 300
Marcy, NY 13403

FOR DEFENDANTS:

HON. LETITIA JAMES
New York State Attorney General
The Capitol
Albany, NY 12224

MATTHEW P. REED
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation (R&R) by Magistrate Judge Andrew T. Baxter duly filed on April 12, 2019. (Dkt. No. 32.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by

the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 32) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' partial motion to dismiss (Dkt. No. 19) is **GRANTED** and all claims against defendants Brian Fischer, Anne Marie T. Sullivan and Jeffrey Nowicki are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that all claims against defendant Susan Connell are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that plaintiff may file an amended complaint to address the defects identified in the R&R within **thirty (30) days** of this Order; and it is further

ORDERED that, if plaintiff files an amended complaint, it shall be referred to Magistrate Judge Andrew T. Baxter for review; and it is further

ORDERED that, if plaintiff fails to file a proposed amended complaint or ask for an extension of time to do so, as permitted in this order, that the complaint is **DISMISSED WITH PREJUDICE** as against defendants

Fischer, Sullivan, Nowicki and Connell without further order of this court;
and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in
accordance with the Local Rules of Practice.

IT IS SO ORDERED.

May 13, 2019
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge